

REMARKS

This amendment is submitted in reply to the Office Action dated March 6, 2007. Claims 1-20 currently stand rejected. Applicants respectfully traverse.

In light of the remarks presented below, Applicants respectfully request reconsideration and allowance of all now-pending claims of the present application.

Claim Rejections - 35 USC §103

Claims 1-20 currently stand rejected under 35 U.S.C. §103(a), as being unpatentable over Akama et al. (U.S. Patent Application Publication No. 2004/0151186, hereinafter "Akama") in view of Sillanpaa (U.S. Patent Application Publication No. 2004/0255030).

Independent claim 1 recites, *inter alia*, the second-session data communicator is configured to store provisioning indicia at the mobile node in response to establishment of the second packet data communication session, the provisioning indicia including authentication information for use in subsequent initiation of communication pursuant to the second packet data communication session.

As admitted by the Office Action, Akama fails to teach or suggest the above recited feature. Thus, in order to cure the deficiency of Akama, the Office Action cites Sillanpaa. Sillanpaa is directed to storing information regarding the architectures of different services which may be provided during a single session (see paragraph [0006], lines 1-2, paragraph [0013], lines 3-6, 9 and 12)). As such, as an initial matter Sillanpaa is not a proper reference with respect to the claimed invention since Sillanpaa is non-analogous art.

The claimed invention is generally directed to an apparatus and method for providing a mobile node with a first packet data communication session and a second packet data communication session during a selected time interval concurrent with the first packet data communication session. In other words, the claimed invention is directed to providing multiple sessions over which packet data may be communicated simultaneously. Applicants respectfully submit that Sillanpaa is not a proper reference because Sillanpaa describes nonanalogous art since it does not relate to the simultaneous provision of two communication sessions. To rely on a reference under 35 U.S.C. §103, it must be analogous prior art. See MPEP 2141.01(a). The

two-part test for analogous art requires that “the reference must either be in the field of applicant’s endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned.” *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). See also *State Contracting & Eng’g Corp. v. Condotte America, Inc.*, 346 F.3d 1057, 1069, 68 USPQ2d 1481, 1490 (Fed.Cir. 2003) (where if the general scope of a reference is outside the pertinent field of endeavor, the reference may still be considered analogous art if subject matter disclosed therein is relevant to the particular problem with which the inventor is involved). As stated above, Sillanpaa is directed to storing information regarding the architectures of different services which may be provided during a single session. The problem to be addressed in this art is to handle the different service architectures used to provide services during the same session, which is quite different than providing multiple sessions simultaneously as provided in the claimed invention. Thus, Sillanpaa, on the one hand, and the present application, on the other hand, are simply not in the same field of endeavor with Sillanpaa being concerned about simultaneous provision of services during one session while the claimed invention is, quite differently, directed to providing multiple simultaneous sessions. Sillanpaa is not interested in providing multiple sessions, simultaneously or otherwise, but rather simply how to provide two services in one session where the architectures of the services are different. There would be no reason for one skilled in the art faced with the problem of providing two simultaneous communication sessions to consider simultaneous provisioning of two services in one session where the architectures of the services are different to be pertinent. Therefore, Sillanpaa is also not reasonably pertinent to the particular problem with which the inventor was concerned. Thus, Sillanpaa is not analogous art and, therefore, cannot be relied upon to support an obviousness rejection under 35 U.S.C. §103.

Since the Sillanpaa reference cannot properly be combined with the Akama reference, it is respectfully submitted that the rejections of all claims based on the combination of these references is overcome.

However, even if one assumes for the sake of argument that Sillanpaa is a proper reference, given that Sillanpaa discloses the provision of multiple services during a single communication session, Sillanpaa necessarily fails to teach or suggest storing provisioning

indicia in response to establishment of a second communication session as recited in the claimed invention. In this regard, it is impossible to teach or suggest storing provisioning indicia in response to the establishment of a second communication session when, as in Sillanpaa, there is no second communication session established. Moreover, Sillanpaa also necessarily fails to teach or suggest that the provisioning indicia includes authentication information for use in subsequent initiation of communication pursuant to the second packet data communication session as recited in the claimed invention since, again, there is no second data communication session. Thus, Sillanpaa fails to cure the deficiency of Akama in regard to the recited features.

Notably, even though Akama discloses multiple sessions, and Sillanpaa discloses “information that associates with provisioning of services in a session”, the combination of these disclosures still fails to teach or suggest the second-session data communicator is configured to store provisioning indicia at the mobile node in response to establishment of the second packet data communication session, the provisioning indicia including authentication information for use in subsequent initiation of communication pursuant to the second packet data communication session as recited in independent claim 1. In this regard, even if the “information that associates with provisioning of services in a session” of Sillanpaa is read to correspond to the claimed provisioning indicia, Sillanpaa still fails to teach or suggest that such storage occurs in response to establishment of a second session (or even in response to establishment of a second service provided in Sillanpaa). Furthermore, Sillanpaa fails to provide any indication that authentication information is included in the “information that associates with provisioning of services in a session”.

Since none of the cited references alone teach or suggest the second-session data communicator is configured to store provisioning indicia at the mobile node in response to establishment of the second packet data communication session, the provisioning indicia including authentication information for use in subsequent initiation of communication pursuant to the second packet data communication session as recited in independent claim 1, any combination of the cited references likewise fails to render independent claim 1 obvious for at least the same reasons described above.

Independent claim 15 is directed to a method which recites substantially similar subject

matter to that of independent claim 1 with respect to storing provisioning indicia. Accordingly, independent claim 15 is patentable for at least the same reasons given above for independent claim 1. Claims 2-14 and 16-20 depend either directly or indirectly from independent claims 1 and 15, respectively, and thus include all the recitations of their respective independent claims. Therefore, dependent claims 2-14 and 16-20 are patentable for at least those reasons given above for independent claims 1 and 15.

Accordingly, Applicants respectfully submit that the rejections of claims 1-20 are overcome.

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CONCLUSION

In view of remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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